

Air Quality Conformity for Managers - Satellite Broadcast Outline

Elizabeth Souheaver, USDI-U.S. Fish and Wildlife Service (5-10 minutes)

Good morning and welcome to our interagency satellite broadcast on Air Quality Conformity for Managers.

My name is Elizabeth Souheaver, and I am Chief of the Wildlife Resources Branch for the U.S. Fish and Wildlife Service in Washington, DC.

In today's program we will be focusing on the Federal conformity evaluation and documentation process, and especially your role as a Federal manager to ensure the activities you authorize on Federal lands are in compliance with applicable air quality laws and regulations.

We will be looking at some of the basics of the Clean Air Act, we have some video case study examples for you, and we will also have an open question and answer segment near the end of our broadcast.

We have an excellent interagency panel of air conformity specialists with us this morning to provide their expertise on air quality issues ...

Pete Lahm, from the USDA Forest Service and the Arizona Department of Environmental Quality, is here to discuss some proactive steps that can be taken to simplify the conformity process. Good morning Pete... **(Pete Responds)**

And from the Bureau of Land Management, Ridgecrest California Field Office, is Glenn Harris. Glenn, I believe you will be providing us detailed information on the conformity process... **(Glenn Responds)**

And to give us a view of things from the National Park Service, Holly Sharpless is here to describe both the general and transportation conformity requirements. Hi Holly... **(Holly Responds)**

Also joining us this morning is Dave Stonefield, a Senior Environmental Engineer with the US Environmental Protection Agency. Dave will be giving us an overview of the Clean Air Act and providing us EPA's perspective as a Federal regulatory agency ... **(Dave Responds)**

We're glad to have Dave here to give us the EPA outlook on things.

And if we all do our jobs right, at the end of this 90 minute broadcast, we will have met two main training objectives that participants:

- know that you need to consider air quality conformity requirements when making Federal land management decisions, and ...

- recognize the importance of working pro-actively with state and local air quality regulatory agencies to simply and work together on future conformity evaluations.

We do not expect to make you conformity “experts,” but to provide you a general knowledge so that you can call in the experts when needed.

But before we get started, here are just a few housekeeping announcements.

All of you should have already reviewed the broadcast material located on our Air Quality Conformity for Managers Satellite Broadcast web page at www.blm.gov/narsc/air.

This website contains an outline of our program today, how to contact us during and after the broadcast, maps of nonattainment and maintenance areas around the country, several background documents, as well as a list of acronyms and glossary of terms used in the broadcast.

There is also a broadcast evaluation form which we would like you to complete and return after our program today, so that we will know how well we presented the material.

But most importantly, throughout this broadcast we would like to hear from you. If you have a question or comment for us please give us a call at 602-943-2279 or send us a fax at 602-906-5701 or 5702. These numbers are also posted on the website.

We have also set aside some time at the end of our program for a question and answer period. We look forward to getting to as many of your questions as we can.

Now, to set the stage for our Air Conformity discussion, let’s take a look at an example of what can happen when no “conformity” analysis or determination is documented for a Federal land use decision. This is what happened to BLM near Las Vegas, Nevada ...

(Show Las Vegas Land Transfer Video Case Study - Appx. 6 minutes)

So you can see what can happen to a Federal land use action when the conformity applicability and analysis guidelines are not followed.

Which leads to our first question, “Are you familiar with the Clean Air Act and the 1990 Amendments?”

To help us answer that question, let’s go now to Dave Stonefield of EPA, who is going to give us an overview of the Clean Air Act. Dave ...

Dave Stonefield, U.S. Environmental Protection Agency (10 minutes)

Thank you Elizabeth ...

Introduction

I am pleased to be here today, and thank you, the Federal Land Managers, for inviting me.

Statement about the Clean Air Act

- Clean Air Act originally passed in 1955, significant changes in 1970. Amended several times; last major revision in 1990
- Several may have heard of New Source Review and the Prevention of Significant Deterioration programs under the Act, but there are many other parts to the Act
- Collection of programs to improve air quality and to protect public health.
 - a. New Source Review and the Prevention of Significant Deterioration, and
 - b. Vehicle emission standards
- And two provisions that concerns us today:
 - c. Attaining the National Ambient Air Quality Standards, and
 - d. Special provisions that apply to Federal agencies

Session will cover:

- What are the National Ambient Air Quality Standards?
- General air quality management processes
- The attainment status and how to find out what is the status of your area
- The division of responsibility between the EPA and state, tribal and local air pollution agencies

In discussing the process I will identify terms commonly used by air quality managers and who is responsible. There is also a glossary of terms on the website.

National Ambient Air Quality Standards

- Developed through a long, difficult, but open process based on protection of public health and welfare
- Components (or “criteria”) of the standards
 - Level (concentration)
 - Averaging time
 - Allowable number of exceedances
 - Monitoring methodology
- Existing standards (criteria pollutants)
 - ozone (O₃)
 - particulate matter equal to or less than 10 microns in size (PM-10)
 - carbon monoxide (CO)
 - sulfur dioxide (SO₂)
 - nitrogen dioxide (NO₂)
 - lead (Pb)

- In 1997, EPA promulgated new standards for ozone and particulate matter
 - ozone transition from 1-hour to 8-hour averaging time, plus a lower concentration level
 - particulate matter transition from PM-10 to smaller size PM-2.5, plus a lower concentration level and revised monitoring methodology
- Complex Court cases questioning the new standards
 - In May 1999, U.S. Court of Appeals ruled that EPA could not implement the new standards
 - On February 27, 2001, the U.S. Supreme Court over-ruled the Appeals Court decision, but directed EPA to revise it's proposed implementation plan
 - EPA is now reviewing the Supreme Court ruling to determine what it's next steps will be

Air Quality Management Processes

- Monitoring and area designations
 - States establish a monitoring network, collect data on ambient concentrations and identify areas exceeding the standard
 - Based on that data and State recommendations, EPA designates nonattainment areas
 - For some pollutants (ozone and particulate matter), EPA also establishes the deadlines for attaining the standard, based on the severity of the pollutant concentrations
- States develop implementation plans (or SIPs) to attain the standards in non-attainment areas. The term "SIPs" also includes TIPs (Tribal Implementation Plans) and FIPs (Federal Implementation Plans)
- These plans include:
 - Emission inventories of pollution sources (including growth projections)
 - Emission reduction strategies
 - Regulations to implement the strategies
 - Air quality modeling to demonstrate that the plan will result in attainment of the standards
 - Administrative information and enforcement procedures
- States submit plans to EPA for approval
 - EPA reviews for adequacy
 - If approved, plan becomes Federally enforceable
- States implement plans by adopting and enforcing regulations, and by monitoring both:
 - Emission reductions
 - Ambient air quality concentrations
- If the area then attains the standards
 - States then adopt a 10 year maintenance plan, to be updated after 8 years, and
 - EPA redesignates the nonattainment area to maintenance/attainment

- If the area still fails to attain the standards
 - The area is bumped to a higher nonattainment classification, and
 - The state is required to provide a new implementation plan
- Two quick examples of area designations (National maps on website)
 - Existing 1-hour ozone nonattainment areas
 - Potential 8-hour ozone nonattainment areas
- National maps are too broad to determine the status of specific areas
- To determine site-specific designations, contact:
 - State/tribal/local air quality agencies
 - EPA Regional Offices
 - Web sites (www.epa.gov/oar/oaqps/greenbook.html)

Federal agencies responsibilities

- Control pollution from direct or authorized activities
- Ensure actions conform to the approved implementation plan (SIP/TIP/FIP)
- The Clean Air Act, section 176(c), has special provisions to require that Federal agencies demonstrate conformity before taking direct action or issuing approvals

Main Points Summary

- EPA promulgates National Ambient Air Quality Standards to protect public health and welfare
- State/tribe/local agencies develop and adopt plans to implement the national ambient air quality standards
- Federal agencies must demonstrate conformity to approved implementation plans

(Dave Introduces Ski Area Expansion Video Case Study)

...now let's look at an example of how a Federal agency would demonstrate conformity regarding a potential ski area expansion ...

(Show Ski Area Expansion Video Case Study - App. 2-3 minutes)

Elizabeth Souheaver, USDI-U.S. Fish and Wildlife Service (30 seconds)

Thanks, Dave, for that comprehensive overview of the Clean Air Act. That really helped set the stage for us.

Now Holly Sharpless of the National Park Service will tell us just what Air Quality Conformity is.

Holly...

Holly Sharpless, USDI-National Park Service (7 minutes)

Thanks Elizabeth. We need to emphasize that “conformity” applies to all Federal Land Managers and therefore affects each one of you watching today.

As stated earlier, general conformity is specific to Federal agencies and does NOT apply to state or local governments.

So which Federal agencies need to be concerned about general conformity?

The answer is ALL Federal agencies with land management responsibilities in specified areas - regardless of mission - are legally obligated to conduct a conformity analysis and make a written determination of conformity before a Federal action may take place.

Such agencies include the Departments of Defense, Agriculture and Transportation, as well as Department of the Interior agencies.

Where does conformity apply? General conformity rules apply in areas designated as either nonattainment or maintenance for any of the criteria pollutants covered under the Clean Air Act. As Dave discussed earlier, areas which do not meet standards for carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide are classified as nonattainment areas by EPA.

Therefore any Federal actions within these areas need to demonstrate they conform to the existing implementation plan to remedying the air pollution problem.

A “Federal action” refers to ANY activity engaged in by a department or agency of the Federal government, or ANY activity that a department or agency of the Federal government supports in ANY way. This includes providing financial assistance, licenses, permits, or providing formal approval for.

The general conformity rules apply to ALL Federal actions EXCEPT:

- Actions covered by the transportation conformity rule
- Actions with associated emissions below certain specified levels
- Certain other actions which are exempt or are presumed to conform

Glenn will be dealing with these issues in more detail later.

As just stated, Federal highway and Federal transit actions constitute “transportation conformity” actions. The transportation conformity requirements are established under a separate EPA regulation. We will briefly discuss transportation conformity later with a short case study of transportation planning at Yosemite National Park.

The general conformity rule requires all Federal actions conform to an applicable state implementation plan. “General Conformity to a SIP” is defined in the Clean Air Act (section

176(c)) as amended in 1990 (42 USC 7401).

So what does this all mean to you as Federal land manager?

Where applicable, you are responsible for producing a general conformity analysis, which is a technical analysis done by a Federal agency to determine whether or not its proposed action “conforms” to a state, tribal or Federal implementation plan.

It’s important to emphasize that the Federal agency responsible for the general action is the organization required to determine that action conforms to the applicable implementation plan, not the state or EPA.

The state and EPA have only a review role of the Federal agency’s written determination. The burden of responsibility is completely on the Federal agency proposing the action.

Before a Federal action can take place within a nonattainment or maintenance area, it must be demonstrated that the Federal action conforms to the purpose of the implementation plan to eliminate or reduce the severity and number of violations of the national ambient air quality standards (NAAQS), or to achieve expeditious attainment of such standards, and to demonstrate such activities will not:

- Cause or contribute to any new violation of any standard
- Increase the frequency or severity of any existing violation of any standard
- Delay timely attainment of any standard or any required interim emission reductions or other milestones

The general conformity rule covers both direct and indirect emissions of pollutants that would be caused by the Federal action.

Again, the Federal agency responsible for the action is required to determine if its actions conform to the applicable implementation plan before the action is taken.

Common activities to which general conformity applies include:

- Special use authorizations (e.g., commercial visitor services)
- Prescribed fire activities
- Recreation activities (e.g., Off Highway Vehicle use)
- Land use authorizations (e.g., expansion of ski areas, which often include “indirect” emissions)

After a State revises its implementation plan to adopt its general conformity rules (and EPA approves that revision), any agreements, including mitigation measures, necessary for conformity determination will be both State and Federally enforceable.

Enforceability through the applicable SIP applies to all Federal managers who agree to take actions to mitigate direct and indirect emissions associated with the Federal action.

The bottom line is: No Conformity = No Implementation of the Record of Decision (ROD).

Although the general conformity rules ALLOW linking conformity analyses with the NEPA analysis process, the conformity rule does NOT require such linking. Therefore, combining conformity and NEPA analyses is allowed, and in some cases, such linkage may be efficient and convenient.

At the point in the NEPA process when the specific action is determined, the air quality conformity analyses can be started.

However, a categorical exclusion from NEPA does NOT EXCLUDE a Federal action from the conformity rules.

Federal agencies must make their conformity determination available for public review. Notice of draft and final conformity determinations must be provided directly to air quality regulatory agencies, and an availability notice to the public must be provided by publication in a local newspaper.

If a Federal action is determined not to conform to the applicable SIP - even though the NEPA process has been completed - the Federal action CAN NOT be implemented.

To summarize:

- The general conformity rules apply to ALL Federal agencies
- The general conformity rules apply to ALL Federal actions within nonattainment or maintenance areas EXCEPT:
 - Actions covered by the transportation conformity rule
 - Actions with associated emissions below certain levels
 - Certain other actions which are exempt or presumed to conform
- The general conformity analysis procedure, including necessary regulatory agency and public notice, review and comment response, MAY be combined with other NEPA documentation, but the procedures required under NEPA and the Clean Air Act are separate regulations which must be met.

Elizabeth Souheaver, USDI-U.S. Fish and Wildlife Service (30 seconds)

Thanks Holly. Now that we know what “conformity” is, we need to take a closer look at the conformity process. To lead that presentation we will turn things over to Glenn Harris...

Glenn are you ready to go?...

Glenn Harris, USDI-Bureau of Land Management (5 minutes)

Up until now we have been showing you a series of problems without giving you solutions. I will be showing you how to comply with the Conformity rules.

Conformity Process Overview

Both NEPA and the General Conformity Rules provide guidance on content and procedures that can guide our actions as they relate to conformity. As most of you know, a failure to follow procedures and policies can lead to challenges against our decisions.

Conformity Rules as published by the EPA spell out a number of requirements for Federal agencies in the conformity process.

Conformity v. NEPA

NEPA has it's own requirements for content and procedures.

Most Federal agencies have implemented NEPA through their own procedures.

But few Federal agencies have procedures for the conformity process.

There is no requirement to conduct conformity analyses/determination within NEPA, however, air quality is a required element in most NEPA processes, and there are similar documentation needs in the conformity process

Conformity Analysis/Determination

Both BLM and the Forest Service have developed procedures at the local level for following the NEPA process. At BLM, the process is included in the BLM's National Training package and has been implemented in several offices.

The BLM conformity analysis/determination process consists of ten analysis steps. The steps are as follows:

1. Determine the spatial and jurisdictional applicability. Is the proposed Federal action located within a nonattainment or maintenance area?

- The NEPA process requires a discussion of the Relationship to Statutes, Regulations, and Agency Jurisdiction. This would be where a notation of the Clean Air Act and Code of Federal Regulations would be cited, along with which agencies have air quality jurisdiction.

2. Describe implementation plan status and content. Is there a implementation plan? What in the implementation plan applies to the proposed activity?

- The next applicable section of the NEPA document is the Affected Environment. Here a notation of whether or not the proposed action is inside or outside of Federal nonattainment or maintenance areas, including the specific criteria pollutants, is included along with a discussion of the implementation plan and its requirements.

3. Background information.

- This section is included in the Affected Environment, and should address additional information that may be necessary to understand the environmental and regulatory setting for the proposed activity.
- This could include information on nonattainment history, air district rules to implement the implementation plan, existence of new proposed rules, petitions to EPA to reclassify the area (such as from nonattainment to maintenance), long-range transport of pollutants, and other such details.

4. Air quality impact analysis. How much of the target pollutant(s) would the project emit? Does the proposed activity have the potential to emit the pollutant for which the area is classified nonattainment? Include all reasonably foreseeable direct and indirect emissions.

- The Anticipated Direct and Indirect Impacts of Proposed Action is an other section of a NEPA document. This section should contain estimates of emissions caused by the activity. According to the EPA rules, the estimates should include all reasonably foreseeable direct and indirect emissions.

5. Compare to applicable implementation plan provisions and rules. ALL Federal actions must comply.

- The expected emissions, along with assumed emission controls, from the proposed activity are then compared to the implementation plan requirements and compared to the *de minimis* values (*de minimis* defines the emission levels below which the activity is so minor that it is presumed to conform.) Unless specifically exempt, the implementation plan provisions need to be met either directly or through mitigation, or the activity cannot be approved .

6. Conclusion Statement.

- A concluding statement in the NEPA expected impacts section should state clearly :
 - Is the activity specifically exempt? If so, no further analysis is necessary.
 - Does the proposed activity conform to the implementation plan? For example, the activity may be specifically mentioned in the SIP. If so, no further analysis is necessary.
 - Are the estimated direct and indirect emissions above or below allowable *de minimis* levels? If the emissions exceed the *de minimis* levels, a formal determination is necessary. If it is below *de minimis* levels, no further analysis is necessary.

Where proposed Federal activities are not exempt, have not already been included in the implementation plan, or the criteria pollutant total emissions would exceed allowable *de minimis* levels, formal conformity determination steps 7, 8, 9 and 10 beyond a NEPA analysis are also

necessary.

7. Formal Determination.

- This is a formal statement that the project conforms with the applicable implementation plan. Usually something like:
“The proposed action and alternatives have been analyzed as required under section 176(c) of the Clean Air Act, as amended, and 40 CFR 93.156, and the selected action has been determined to conform to the applicable State Implementation Plan for the purpose of attaining and maintaining all National Ambient Air Quality Standards.”

8. Agency/public review. On a formal determination, there are specific notification requirements. These include providing the draft determination to regulatory agencies, publication of the availability of draft conformity determinations in a newspaper, taking and responding to public and regulatory agency comments. The 30 day comment period may be concurrent with the related NEPA document comment period.

9. Submit copies of the final conformity analysis and determination to the appropriate regulatory agencies. The Federal agency must respond to all comments received on the draft conformity analysis and determination, include those comments and responses in the final conformity analysis and determination, and notify applicable regulatory agencies and the public that copies of the final conformity analysis and determination are available upon request.

- My experience has been for the EPA to require local/state/tribal air regulatory agency concurrence on the formal conformity determination.

10. Archiving Considerations. If your work is not archived, then you may as well not have do it. For most activities, the EA/FONSI or EIS/ROD become the official archive.

- It is often determined that a full conformity analysis and determination process is NOT necessary (i.e.; the activity is exempted, would not exceed the *de minimis* emission levels, has already been included in an approved implementation plan, etc.), BUT without adequate documentation “in the files,” anyone can delay implementation of the activity by appeal or civil lawsuit.

(Glenn introduces the Prescribed Burn Video Case Study)

...now let’s look at an example of how a Federal agency can demonstrate “conformity” withing the Land Use Planning process for future prescribed burning activities ...

(Show Prescribed Burn Planning Video Case Study - Appx. 4 minutes)

(Glenn summarizes key concepts illustrated by prescribed burn video case study)

Elizabeth Souheaver, USDI-U.S. Fish and Wildlife Service (30 seconds)

Thanks Glenn. Next Pete is going to talk about how you can take some pro-active steps to simplify the conformity process, and he also has additional on-the ground examples for us ...
Pete...

Pete Lahm, USDA-Forest Service (Appx. 7 minutes)

So far you have learned what conformity is and how to conduct a conformity determination..

Now let me ask you a question ...

“How do we interact with air quality regulatory agencies and what are the requirements for public involvement?”

Air Quality Regulatory Agencies

Federal - Environmental Protection Agency

Advice, guidance, interpretation

State/tribal/local - Air Quality Regulatory Agency with authority for local area plan in SIP

Advice, guidance, collaboration, REVIEW

Early Involvement

- Advice/Guidance
- Status of area where project/activity located
 - Map of nonattainment/maintenance areas
 - Status of SIP Area Plan and Emission Inventory w/CFR notice on SIP
 - Applicable SIP Area Plan requirements for project/activity
 - Show an Example
- Methods of calculating emissions (can be controversial)
 - Fire example EPA AP-42 v. Land Manager emission calculations
 - simple road calculation
- Mitigation methods for project/activity
 - list dust mitigation methods
- Modeling approaches to demonstrate conformity
 - Example output

Conformity Determination Strategies

- Model source and demonstrate no significant contribution to nonattainment area or maintenance status
- Must have regulatory agency concurrence on emission methods, use and benefits of control measures, model type, and modeling protocol
 - Protocol example

(Pete introduces the Carlota Copper Project video case study)

...now let's look at an example of how a Federal agency could include these methods in a mineral leasing situation ...

(Show Carlota Copper Project Video Case Study - 7:45 minutes)

(Pete summarizes key concepts illustrated by Carlota Copper Project video case study)

Incorporating Federal Activities Within the State Implementation Plan

- Incorporate project/activity emissions into SIP Area Plan (most useful for repeated, predictable Federal activities)
 - Opportunity is present if the regulatory agency is preparing a new nonattainment area and SIP Area Plan, or revising an existing nonattainment area and SIP Area Plan
- Work with regulatory agency to have activity emissions included in SIP emissions inventory
- Work with agency to model impacts of emissions in SIP
- Establish control measures to be applied to each project/activity in SIP
 - Array of potential mitigation measures
 - List of required mitigation measures

(Pete introduces the Mojave Desert Planning Area OHV video case study)

...now let's look at an example of an Off Highway Vehicle planning area situation in the Mojave Desert ...

(Show Mojave Desert Planning Area OHV Video Case Study - 6 minutes)

(Pete summarizes key concepts illustrated by Mojave Desert Planning Area OHV video case study)

Public Involvement and Regulatory Review of a Conformity Determination

- Federal agency is required to follow the regulatory public notice/review process
- Federal agency may tier conformity notice and review with NEPA analysis as the time frames are identical.
- Federal agency must submit draft and final conformity determination to the regulating agencies and EPA

Appeal Process

- The appeal process for omission or an inadequate conformity determination may be through NEPA appeal procedures (as established by each agency) or ...
- The appeal process for omission or an inadequate conformity determination may be directly to the courts under the Clean Air Act, or other authorizing legislation (Mineral Leasing Act, etc.)

Benefits of Conformity Determination

- Less polluting project/activity (Carlota example)
- Reduce public concerns over air quality impacts of project/activity
- Potential allowance of expansion/growth of activity
- Ensuring that a Federal activity is not contributing to a national ambient air quality standard violation

Elizabeth Souheaver, USDI-U.S. Fish and Wildlife Service (30 seconds)

Thank you Pete for those suggestions on how to be pro-active and simplify the conformity process. Most of our discussions so far have involved “general conformity” requirements. For those situations where Federal highway and Federal transit actions or funding are involved, separate “transportation conformity” requirements apply.

For example, Holly is now going to describe how the National Park Service is addressing “transportation conformity” as they conduct transportation planning in Yosemite Valley. Holly ...

Holly Sharpless, USDI-National Park Service (1 minute)

Yes, Elizabeth... As many of you know air quality issues in and around Yosemite National Park have been a hot topic for quite some time. Let’s take a look now at just what the National Park Service is doing as far as transportation planning in this heavy use area. **(add more language pending case study specifics)**

(Show Yosemite National Park Transportation Conformity Video Case Study - App. 3 minutes)

(Holly summarizes key concepts illustrated by Yosemite National Park Transportation video case study)

Elizabeth Souheaver, USDI-U.S. Fish and Wildlife Service (30 seconds)

At this point I would like our instructional panel to talk about some of the positive attributes of conformity....

But first, in a few minutes we will be opening up the phones to hear from you. So if you have a question or comment for us about anything we have covered so far, please just give us a call at 602-943-2279 or send us a fax at 602-906-5701 or 5702. These numbers are also posted on the website. We will respond to as many of your questions as we can in the time remaining ...

So, panel, what about it?... What are some of the positive attributes to conducting air conformity analyses?

Panel Discussion - All Instructors (2 minutes)

Talking Points - Positive Aspects:

- Improve communication between air quality and the Federal land managers
- Less polluting operations
- Less public concern
- Enhanced protection of Class I areas
- Other spinoffs?

(Pre-determined discussion points Elizabeth asks questions from Teleprompter)

Elizabeth Souheaver, USDI-U.S. Fish and Wildlife Service (10 minutes)

Before we take calls from the Broadcast viewers, I have a few questions about the conformity process myself. For example:

In what locations do the Conformity Regulations apply?

Panel Members

Within nonattainment and maintenance areas; visit the website and consult with your appropriate air regulatory agency for details

Elizabeth

Where applicable, what Federal land management decisions require a conformity evaluation?

Panel Members

All Federal decisions within nonattainment and maintenance areas require an analysis, and if the decision is not statutorily exempted (i.e.; *de minimis* emission levels, etc.), then a formal conformity determination, including public review and comment is required.

Elizabeth

What is a SIP, and why should Federal Land Managers care?

Panel Members

A SIP is a State Implementation Plan, which describes (and commits) how the Air quality regulatory agency intends to either achieve (for a nonattainment area) or to maintain (for maintenance areas) the national ambient air quality standards. Also, if air pollutant emissions from federal land management actions (such as prescribed burning) are budgeted in the SIP, then future conformity evaluations for those actions can simply reference their inclusion.

Elizabeth

Can the lack of a conformity evaluation and documentation stop a Federal action?

Panel Members

Yes, for actions within nonattainment and maintenance areas, anyone can stop any Federal action by filing a simple appeal, and the Federal action may not proceed until the conformity evaluation is complete and documented

Elizabeth

Can Conformity evaluations be included in NEPA documents?

Panel Members

The conformity evaluation process can be conducted during the NEPA process, and formal draft conformity decisions can undergo public review and comment at the same time as draft Environmental Impact Statements, but documentation of the conformity evaluation and/or decision should be a separate document appended to the decision record

Elizabeth

How long does a conformity evaluation take to complete?

Panel Members

Most evaluations can be processed within one day, but without documentation, a simple appeal may delay the Federal action for months. Draft conformity decisions are subject to a 30 day public review and comment period, and responses must be included in the final conformity decision.

Elizabeth

Where can Federal Land Managers get assistance regarding the applicability and conformity evaluation process?

Panel Members

Each Federal agency has an air quality specialist, and many regional and local offices also have air quality specialists and/or contacts. Names, telephone numbers and email addresses are included on the website, or contact your local air quality regulatory agency (which are also available at www.blm.gov/narsc/air).

Elizabeth

At this time we have some questions from the Broadcast viewers

(Ask call-in questions from written sheets - answers from panel)

Well, if that is the last question, that pretty much wraps things up for our broadcast on Air Quality Conformity for Managers.

To help us evaluate the effectiveness of today's training we would like you to please complete the program evaluation via the website (www.blm.gov/narsc/air).

And we would also like all agency downlink sites to please complete a broadcast viewer roster, and fax it to us immediately at 602-906-5701. Or you can use BLM's automated viewer reporting system on the National Training Center website(www.ntc.blm.gov/satnet/evaluations/).

I would like to thank our interagency panel for all their hard work on this telecast, and we all especially thank you for tuning us in and taking the time to learn about Air Quality Conformity

for Managers.

We hope our program has given you a better understanding of air conformity issues, and we need to work together to implement these law as and regulations across government.

Thank you for watching and so long from the BLM National Training Center in Phoenix!

Last updated March 15, 2001